

Docket No. RADNT-008G3

**REMARKS/ARGUMENTS**

The foregoing amendment and the remarks which follow are responsive to the final office action dated April 4, 2005. In that office action, claims 64-84 and 88-94 were rejected on grounds of obviousness type double patenting over United States Patent No. 6,527,798 in view of United States Patent No. 5,624,392 (Saab) or United States Patent No. 5,755,755 (Paynard). Also, claims 88-94 were rejected on grounds of obviousness type double patenting over United States Patent No. 6,635,076. Additionally, claims 50-93 (sic) and 88-94 were objected to on grounds that the drawings show a helical flow path but not a helical balloon or helical lobe of a balloon as claimed. Also, claims 50-57, 60 and 62 were rejected as being anticipated by Saab, claims 58, 59, 61 and 63 were rejected as being unpatentable over Saab, claims 88-92 were rejected as being unpatentable over saab in view of Paynard,. Additionally, in the office action, claims 64-84 were deemed to be allowable if a terminal disclaimer were filed to overcome the obviousness type double patenting rejection.

By the present amendment independent claim independent claim 50 has been amended to recite a helical flowpath rather than a helical balloon or helical lobes, thereby obviating the objection to claims 50-93 on grounds that the claimed helical balloon or helical balloon lobes is not shown in the drawings. This amendment does not indicate Applicant's agreement with the Examiner's objection. Applicant believes that the drawings do show a helical balloon or helical balloon lobes and reserves the right to argue such point in relation to other divisions, continuations or continuations-in-part of this application.

Also, by the present amendment, independent claim 50 has been amended to include an extracorporeal heat exchange apparatus attached to the at least one fluid lumen such that heat exchange fluid will circulate from the extracorporeal heat exchange apparatus through the at least one fluid lumen. An example of such extracorporeal heat exchange apparatus is the heat exchange plate 338 shown in Figure 16. None of the prior art of record, including Saab and Paynard, describe or render obvious the combination of elements recited in amended independent claim 50. Thus, claims 50-63 are now in condition for allowance.

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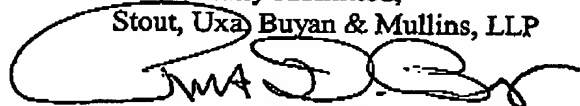
Enclosed is a terminal disclaimer with respect to United States Patent No. 6,527,798, thereby overcoming the obviousness type double patenting rejection of claims 64-84. Thus, claims 64-84 are also in condition for allowance.

Also by the present amendment, claims 88-94 have been canceled, thereby obviating the rejections stated with respect to those claims and eliminating a number of issues that would otherwise be presented upon appeal.

Entry of this amendment on an after final basis is appropriate because 1) the amendment does not raise any new issues that would require further searching, 2) the amendment places the case in condition for allowance and 3) the amendment lessens the total number of pending claims and will reduce the number of issues to be argued in any appeal. Accordingly, entry of the foregoing amendment and issuance of a notice of allowance is earnestly solicited.

The Examiner is hereby authorized to deduct a small entity terminal disclaimer fee in the amount of \$65.00 as well as any other fees properly deemed to be due in connection with this filing from Deposit Account No. 50-0878.

Respectfully submitted,  
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Date: July 5, 2005

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#### CERTIFICATE OF FACSIMILE TRANSMISSION

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Dated: July 5, 2005



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